COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled <u>CONTROLLING GENE EXPRESSION IN LIVING CELLS</u> , the specification of which
■ is attached hereto. □ was filed on as Application Serial No and was amended on □ was described and claimed in PCT International Application No
filed on and as amended under PCT Article 19 on
I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.
I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.
I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: J. Peter Fasse, Reg. No. 32,983; Gary L. Creason, Reg. No. 34,310; Anita L. Meiklejohn, Reg. No. 35,283; Eldora L. Ellison, Reg. No. 39,967; Ruffin B. Cordell, Reg. No. 33,487.
Address all telephone calls to Gary L. Creason at telephone number 617/542-5070.
Address all correspondence to <u>J. Peter Fasse</u> , Fish & Richardson P.C., 225 Franklin Street, Boston, MA 02110-2804.
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.
Full Name of Inventor: Michael R. Green
Inventor's Signature: Date:
Residence Address: Worcester, MA
Citizen of: United States of America
Post Office Address: 373 Plantation Street, Worcester, MA 01605

COMBINED DEC. ARATION AND POWER OF ATTGRNEY CONTINUED

Full Name of Inventor: Geoff Werstuck	
Inventor's Signature:	Date:
Residence Address: Ancaster, Ontario CANADA	
Citizen of: United States of America	-
Post Office Address: 18 Garden Avenue, Ancaster, Ontario CANADA	L962J5

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Applicant or Patentee: Michael R. Green et al.
Serial or Patent No.: 09/169,446
Filed or Issued: October 8, 1998
For: CONTROLLING GENE EXPRESSION IN LIVING CELLS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below: Name of Organization: Winversity of Massachusetts Boston, MA 02/108 Type of Organization: (A) UNIVERSITY OR DIRER INSTITUTION OF MIGHER EDUCATION (I) TAK EXPERT UNDER INSTITUTION OF MIGHER EDUCATIONAL UNDER STATUTE OF THE UNITED STATES OF AMERICA (NAME OF STATE:) (CITATION OF STATUE:) (CITATION OF			(3) CFR 1.9(1) and 1.27(d)) - NUNPROFIL URGANIZATION
Address of Organization: The President's Office, University of Massachusetts, One Beacon Street, 26th Floor, Boston, Ma 2018 Type of Organization: (2) UNIVERSITY OR OTHER INSTITUTION OF WIGHER EDUCATION (3) TAX EXEMPT UNDER INSTITUTION OF WIGHER EDUCATION (4) TAX EXEMPT UNDER INSTITUTION OF WIGHER EDUCATION (5) TAX EXEMPT UNDER INSTITUTION OF WIGHER EDUCATION (6) TAX EXEMPT UNDER INSTITUTION OF WIGHER EDUCATION (7) WOUND GUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA (8) WOULD GUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA (9) WOULD GUALIFY AS NORMORITY SCIENTIFIC OR EDUCATIONAL UNDER STATUT OF STATE OF THE UNITED STATES OF AMERICA (1) WOULD GUALIFY AS NORMORITY SCIENTIFIC OR EDUCATIONAL UNDER STATUT OF STATE OF THE UNITED STATES OF AMERICA (1) WOULD GUALIFY AS NORMORITY SCIENTIFIC OR EDUCATIONAL UNDER STATUT OR STATE OF THE UNITED STATES OF AMERICA (2) CITATION OF STATUTE:) (3) I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR (2) Purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled CONTROLLING GENE EXPRESSION IN LIVING CELLS by inventor(s) Michael R. Green and Geoff Werstuck described in 19 patent no., issued . (8) (1) application series no. 09/169,466, filed October 8, 1998 (9) application series no. 09/169,466, filed October 8, 1998 (1) patent no., issued . (9) (1) application series no. 09/169,466, filed October 8, 1998 (1) patent no., issued . (1) If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization with the invention is Listed below and no rights to the invention are not exclusive, each individual, concern or organization with the invention of the babox identified invention. (1) Interest of the issue some and the	I	hereby declare that I a	am an official empowered to act on behalf of the nonprofit organization identified below:
Type of Organization: C1			The President's Office, University of Massachusetts, One Beacon Street, 26th Floor,
I TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) (NAME OF STATE:) (CITATION OF STATUE:) (I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of ficle 35, United States Code with regard to the invention entitled CONTROLLING GENE EXPRESSION IN LIVING CELLS by inventor(s) Michael R. Green and Geoff Werstuck described in the specification filed herewith. (CITATION OF STATUE:) (I hereby declare that the nonprofit organization identified above qualify as a small business concern under 37 CFR 1.9(e) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(e) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(e). *MOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averting to their status as small entities. (37 CFR 1.27) (CITATION OF STATUE:) (CITATION OF	Ty	ype of Organization:	BOSCOT, TAX OZ TOG
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AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA (NAME OF STATE:) (CITATION OF STATUTE:) I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of fitle 35, United States Code with regard to the invention entitled CONTROLLING GENE EXPRESSION IN LIVING CELLS by inventor(s) Michael R. Green and Geoff Werstuck described in [1] the specification filed herewith. [2] Apatent no., issued [3] [1] patent no., issued [4] [1] patent no., issued [5] I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention. [6] If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not equalify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(c). [7] **PCTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27) [8] I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status when any new rule 53 application is filed or prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the		[]	WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
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Address: The President's Office, University of Massachusetts, One Beacon Street, 26th Floor, Boston, MA 02108	N	ame: <u>Joseph F. X.</u>	McGuirt
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